

**To:** CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Tom Hagler/OU=R9/O=USEPA/C=US  
**Sent:** Thur 2/16/2012 6:32:28 PM  
**Subject:** Fw: new State of California letter Opposing HR 1837 (Nunes Bill)  
Secretary Laird letter on HR1837. 2 15 12.pdf

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----- Forwarded by Tom Hagler/R9/USEPA/US on 02/16/2012 10:32 AM -----

From: "Hal Candee" <hcandee@altshulerberzon.com>  
To: "Hal Candee" <hcandee@altshulerberzon.com>  
Date: 02/15/2012 11:26 PM  
Subject: new State of California letter Opposing HR 1837 (Nunes Bill)

FYI

From: Hal Candee  
To: Hal Candee  
Sent: Wed Feb 15 17:33:16 2012  
Subject: new State of California letter Opposing HR 1837 (Nunes Bill)

Attached is the new letter just released by Secretary John Laird.

From: Todd Ferrara [mailto:Todd.Ferrara@resources.ca.gov]  
Sent: Wednesday, February 15, 2012 8:06 PM  
To: Weaver, Kiel; Calimlim, Camille  
Subject: Letter opposing HR 1837

For tomorrow's full committee markup, please find attached and below a letter from the state of California opposed to H.R. 1837.

Thank you,

Todd Ferrara  
Deputy Secretary for External Affairs

California Natural Resources Agency

February 15, 2012

The Honorable Doc Hastings  
Chairman  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Edward J. Markey  
Ranking Member  
House Natural Resources Committee  
1329 Longworth House Office Building  
Washington, DC 20515

RE: Oppose H.R. 1837 (Nunes)

Dear Chairman Hastings and Ranking Member Markey:

On June 2, 2011, I testified before the Natural Resources Committee's Water and Power Subcommittee in opposition to H.R. 1837. At the time, the state of California objected to the highly dangerous and unprecedented nature of this legislation. Despite some efforts to recast and amend the flaws of the original legislation, I write on the behalf of the state of California to again express our strong opposition to the amended version of H.R. 1837, the Sacramento-San Joaquin Valley Reliability Act.

Even after its amendment, H.R. 1837 continues to undermine California's ability to address its serious water challenges and will erase years of progress toward a collaborative solution to address water issues. The bill seeks to impose extreme legislative decrees – including sweeping exemptions from federal laws and sweeping pre-emption of California state laws – while ignoring the very real problems in our water system that require reasoned, consensus-driven solutions, rather than new congressional mandates.

The centerpiece of H.R.1837 would be to enshrine into law the 1994 water agreement that created the CALFED process. In the subsequent 18 years, many California water issues have changed. The fishery populations in the Sacramento-San Joaquin Delta crashed a decade ago; the full impact of seismic activity on possible water service interruption has been better understood; and the impacts of climate change in water delivery and habitat restoration have more clearly come into view. These facts have led all parties to see the need for a series of new long-term agreements over California's water future. Yet, H.R. 1837 will undermine our chances of obtaining such agreements and make genuine solutions more difficult.

For the state of California, the carefully wrought and strongly supported bipartisan compromise passed by the California State Legislature in 2009 must guide our development of a Delta solution. The 112th Congress just reaffirmed this guiding principle in its own Omnibus Appropriations bill signed into law just two months ago. The 2009 compromise provided statutory authority to proceed with the Bay Delta Conservation Plan, which will achieve the dual co-equal goals of water supply reliability and ecosystem restoration through the use of sound science. These goals were added to California law as part of this agreement.

By destroying part of this package, H.R. 1837 wreaks havoc with this delicately balanced effort, and could make achieving any final Bay Delta Conservation Plan impossible, despite massive investments by numerous California water agencies to achieve a long-term Delta solution.

H.R. 1837 would also overturn a century old precedent in water law: Congress ought not pre-empt the right of states to manage their own water under state water rights law. If this bill passes, no state will be safe from

congressional interference in their water rights laws. Another consequence would be the immediate opposition of states to continued federal involvement in water development, since it would come with the danger of a future Congress overturning state water rights law as H.R. 1837 now seeks to do.

This bill would also overturn the San Joaquin River Restoration Act, an act that resolved an extremely divisive controversy in a way that was supported by all sides. By overturning the Act, H.R. 1837 would almost certainly send that controversy back to court, where the consequences of litigation would be unknown and the ability to resolve long-standing issues, including meeting the co-equal goals could be substantially delayed.

There remain numerous other problems with H.R. 1837, which is as threatening to our state's laws and future with the newly announced amendments as it was when I testified on the original bill last year. For these reasons and more, we strongly urge you to oppose H.R. 1837 and instead reiterate your support for consensus-based solutions to California's difficult water issues, solutions that meet the twin goals outlined by the California State Legislature that are based on sound science and sustainable water management.

Sincerely,

John Laird  
Secretary for Natural Resources

cc: California Congressional Delegation